

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

APOTEX, INC.,	)	
	)	
Plaintiff,	)	
	)	CIVIL ACTION
v.	)	
	)	No. 2:06-cv-2768-MSG
CEPHALON, INC., <u>et al.</u>	)	
	)	
Defendants.	)	

**CEPHALON’S UNOPPOSED MOTION FOR ENTRY OF PARTIAL FINAL  
JUDGMENT ON COUNTS I, II, III AND V OF APOTEX’S SECOND AMENDED  
COMPLAINT**

Pursuant to Federal Rule of Civil Procedure 58(d), Cephalon, Inc. (“Cephalon”) hereby moves the Court for entry of partial final judgment under Federal Rule of Civil Procedure 54(b) on Counts I, II, III and V of Apotex’s Second Amended Complaint. Apotex, Inc., does not oppose the relief sought herein

WHEREFORE, Cephalon respectfully requests that the Court enter the proposed form of judgment attached as Exhibit A.

Dated: April 23, 2011

Respectfully submitted,

s/ James C. Burling  
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# **EXHIBIT A**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

APOTEX, INC.,	)	
	)	
Plaintiff,	)	
	)	
v.	)	CIVIL ACTION
	)	
CEPHALON, INC., <u>et al.</u>	)	No. 06-2768 MSG
	)	
Defendants.	)	
	)	

**PARTIAL FINAL JUDGMENT**

AND NOW, this \_\_\_\_ day of \_\_\_\_\_, 2012, it is hereby ORDERED THAT:

1. Pursuant to Federal Rule of Civil Procedure 54(b), the Court hereby enters JUDGMENT for Plaintiff Apotex, Inc. on Counts I, II, III, and V of the Second Amended Complaint (Dkt. No. 195).

SO ORDERED.

BY THE COURT:

\_\_\_\_\_  
Mitchell S. Goldberg, J.

**CERTIFICATE OF SERVICE**

I certify that on the date set forth below Cephalon's Unopposed Motion For Entry Of Partial Final Judgment On Counts I, II, III and V Of Apotex's Second Amended Complaint and proposed Partial Final Judgment were electronically filed pursuant to the Court's CM/ECF system, and that those documents are available for downloading and viewing from the CM/ECF system. Notice of this filing will be sent to all counsel of record by operation of the CM/ECF system.

Date: April 23, 2012

/s/ Nancy J. Gellman